

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
AUGUSTA DIVISION

2015 DEC 30 AM 11:23

CLERK *J. H. H.*
S.D. OF GA.

UNITED STATES OF AMERICA

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v.

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CR 114-081

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O R D E R

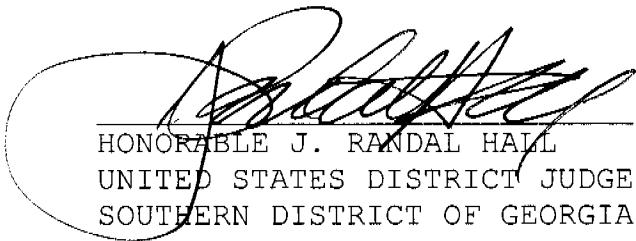
In July 2014, Defendant Bunyon pleaded guilty to violating 18 U.S.C. § 371 (doc. 7), and the Court sentenced her to thirty months' imprisonment in November 2014 (doc. 14). Bunyon now asks the Court to reduce or modify her sentence. (Doc. 20.) She makes this request so that she can return home to care for her family, and, to support her argument, she notes the troubles her family has faced and that she has begun working on her GED while in prison. The only rule or law that Bunyon cites is Florida Rule of Criminal Procedure 3.800(c), which is inapplicable in this Court. But because Bunyon is proceeding *pro se*, the Court will construe her motion liberally and analyze it under appropriate federal law.

"A district court may not modify a term of imprisonment once it has been imposed, except where expressly permitted by Federal Rule of Criminal Procedure 35 or by 18 U.S.C. § 3582, and a district court lacks 'inherent power' to resentence a

defendant." United States v. Barasena-Brito, 374 F. App'x 951, 951-52 (11th Cir. 2010) (citing United States v. Diaz-Clark, 292 F.3d 1310, 1315 (11th Cir. 2002)).

Under Rule 35(a), a district court may "correct a sentence that resulted from arithmetical, technical, or other clear error" within fourteen days after sentencing. Fed. R. Crim. P. 35(a). The Court sentenced Bunyon on November 19, 2014 and she filed the present motion in August 2015. This time frame clearly falls outside the fourteen-day window. Under Rule 35(b), the Government may move for a reduction of a defendant's sentence based on substantial assistance provided by the defendant. Fed. R. Crim. P. 35(b). No such motion has been filed by the Government. Moreover, the Bureau of Prisons has not moved to reduce Bunyon's term of imprisonment based on extraordinary circumstances or age, and Bunyon has not pointed to any applicable change in the sentencing guidelines that has reduced her guideline range. See 18 U.S.C. § 3582(c). The Court, therefore, **DENIES** Bunyon's motion to reduce or modify her sentence.

ORDER ENTERED at Augusta, Georgia this 30th day of December, 2015.


HONORABLE J. RANDAL HALL
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF GEORGIA